IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

CRL.A.No. 1194 of 2002(D)

ST.6205/1998 of JUDL. MAGISTRATE OF FIRST CLASS COURT, IRINJALAKUDA
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APPELLANT/COMPLAINANT:

ROY PAUL, CHAIRMAN, EP SILON ENERGY
CONTROLS PVT.LTD. ARAFA COMPLEX, VELLANGALLUR.

BY ADV. SRI.P.VIJAYAKUMAR
SRI.C.G.SHISHEER

RESPONDENTS/ACCUSED:
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1. PRADEEP MENON, PROPRIETOR,
DELIGHT ENTERPRISES PVN QUARTERS BUILDING
EDAPPAL, SUKAPURAM.

2. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SMT.SANTHOSH KUMAR

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.1194 of 2002(D)

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Dated this the 8th day of August, 2007

J U D G M E N T

The appellant is the complainant in S.T.No.6205/1998 in the file of the Judicial Magistrate of the First Class, Irinjalakuda, with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned due to unavoidable circumstances.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 10/09/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.1194 of 2002(D)

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J U D G M E N T

8th August, 2007